

August 20, 2019

Karen Brinson Bell
State Board of Elections
430 N Salisbury St
Raleigh, NC 27603

Dear Director Brinson Bell,

Democracy North Carolina is a nonpartisan organization that uses research, organizing, and advocacy to increase voter participation, reduce the influence of big money in politics, and ensure fair representation in government. Among several issues, we take an interest in candidates' compliance with campaign finance laws that govern contributions, solicitations, and disclosures. These laws mandate transparency and help ensure that elected officials are accountable to the general public.

As part of our commitment to ensuring the democratic process is open and transparent, we are examining campaign finance data for 2018 sheriff candidates. Sheriffs play a crucial role in shaping county policies related to public safety, the criminal justice system, and immigration. Because of this, both sheriffs and their campaigns have received increased public and media attention in recent years. We set out to examine this data to help ensure that the public is able to understand how and by whom sheriffs' campaigns are funded. Additionally, we are especially interested in the contributions to and expenditures of unopposed campaigns, since unopposed candidates may not need to solicit or spend in the same way as candidates who have opponents in order to secure the elected office.

It is our understanding, per the State Board's Campaign Finance Manual, that candidates who "show a cumulative total of more than \$10,000 in contributions, loans, or expenditures during an election cycle must file electronically." Further, once a committee crosses that \$10,000 threshold to file electronically, "the reporting requirement continues until the committee certifies as inactive or closes...even if all funds have been disbursed and the campaign has ended."¹

To that end, we have identified the following candidates, all of whom crossed the \$10,000 electronic reporting threshold in 2018, who have missing reports on the State Board's website, as of August 2019.

- **The Johnson for Sheriff Election Committee**, for Sheriff Terry S. Johnson (R - Alamance County), is missing Q3 of the 2018 cycle.²
 - In the 2018 Q1 report, the committee reported receiving \$48,081, and spending \$14,635, placing the committee well over the threshold for electronic filing.
 - Comparisons of the Q2 and Q4 report suggest that the committee did have at least \$6,000 worth of expenditures during the missing Q3 period.

¹ North Carolina State Board of Elections. (2019). *Campaign Finance Manual* (Version 19.2), 43-44 Retrieved from <https://www.ncsbe.gov/Portals/0/Files/P/CFFiles/Campaign%20Finance%20Manual%20Version%2019.2.pdf>

² North Carolina State Board of Elections. *Johnson for Sheriff Election Committee*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult/?SID=ALA-5Y36I6-C-001&OGID=38689>

- The **Committee to Elect Steve Whisenant for Sheriff**, for Sheriff Steve Whisenant (D - Burke County), is missing Q1, Q2, and Q4 of the 2018 cycle. Additionally, the committee is missing a Mid Year Semi-Annual report, which was due for covered candidates in July 2019.³
 - The Q3 report, the only available committee document, shows \$30,070 in contributions during that period, as well as total contributions for the whole election cycle of \$124,316 by the end of Quarter 3.
 - The Q3 report also lists \$16,211 in total expenditures for that period, and \$66,671 for the whole election cycle up to that point.
 - This suggests at least \$94,200 in contributions were made prior to the only report available, as well as around \$50,000 in expenditures.
- The **Committee to Keep Tony Durden Sheriff**, for Sheriff Tony Durden Jr. (D - Caswell County), only has one document available, the Q4 Report, but that report suggests earlier reports should have been filed. Additionally, the committee is missing a Mid Year Semi-Annual report, which was due for covered candidates in July 2019.⁴
 - The Q4 report, the only available committee document, lists \$15,302 in total expenditures over the course of the Election, but \$0.00 in spending in Q4. This suggests that the committee spent over electronic filing the threshold prior to Q4, but these expenditures are not available on the state website.
 - The report also indicates that over \$10,000 in contributions were received by the committee sometime prior to Q4 that are not publicly available to view at this time.
- The **Committee to Elect Kent Winstead for Sheriff 2018**, for Sheriff Kent Winstead (D - Franklin County), is missing the Q2 disclosure report.⁵
 - The Q1 report documents \$14,766 in total expenditures, which places the campaign well over the electronic filing threshold, meaning that the committee should have filed regular reports.
 - Comparisons of the Q1 and Q3 reports available suggest that the campaign received over \$2,000, and spent over \$7,000 in the Q2 period – documentation of which is not currently publicly available.
- The **Campaign Fund for Jerry W. Jones**, for 2018 sheriff candidate Jerry W. Jones (R - Franklin County), only has one committee document available, Q1.⁶
 - The Q1 report shows that the campaign received \$13,090 and spent \$11,792 in that period, which placed the committee over the electronic filing threshold to file regular reports.
- The **Committee to Elect Lowell Griffin**, for Sheriff Lowell Stewart Griffin (R - Henderson County), is missing the Q1 disclosure report.⁷

³ North Carolina State Board of Elections. *Committee to Elect Steve Whisenant for Sheriff*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult?SID=BUR-WXFH37-C-001&OGID=38981>

⁴ North Carolina State Board of Elections. *Campaign to Keep Tony Durden Sheriff*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult?SID=CAS-5DDX6N-C-001&OGID=39310>

⁵ North Carolina State Board of Elections. *Committee to Elect Kent Winstead for Sheriff 2018*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult?SID=FRA-495944-C-001&OGID=34901>

⁶ North Carolina State Board of Elections. *Campaign Fund for Jerry W. Jones*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult?SID=FRA-T62CIT-C-001&OGID=37541>

⁷ North Carolina State Board of Elections. *Committee to Elect Lowell Griffin*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult?SID=HEN-U57YMU-C-001&OGID=38363>

- The Q2 disclosure report shows \$41,888 in total contributions, but only \$5,450 contributions in that period, meaning that \$36,438 in contributions are unaccounted for. Additionally, the report shows \$41,884 total expenditures, but only \$15,148 expenditures in that period, meaning that \$26,376 in expenditures are unaccounted for.
- The **Bizzell for Sheriff** Committee, for Sheriff Roger Steve Bizzell (R - Johnston County), does not have a Q1 or a Q2 report.⁸
 - The Q3 report shows \$34,918 in total receipts, but only \$25 received in that period. It also shows \$50,463 in expenditures, but only \$1,589 spent in that period, meaning that large sums of contributions and expenditures that should have been electronically filed are unavailable to the public.
- The **Tracy Carter for Sheriff** Committee, for Sheriff Tracy Lynn Carter (R - Lee County), only has one quarterly disclosure report, Q4.⁹
 - The Q4 report shows \$32,122 in total receipts, but only \$1,450 received in that period. It also shows \$28,739 in expenditures, but only \$5,127 spent in that period, meaning that large sums of contributions and expenditures that should have been electronically filed are unavailable to the public.
- The **Committee to Re-elect Sheriff Hans Miller**, for Sheriff Hans Miller (R - Onslow County), is missing a Q4 report.¹⁰ It is important to note that the committee is currently inactive, which could mean that they were not required to file the Q4 report – depending on when the committee filed inactive status – which is not clear online.
 - The Q3 report shows \$15,382 in total contributions as well as \$14,338 in total expenditures, placing the committee over the electronic filing threshold.

We recognize there are a range of potential explanations for why this data is unavailable. Whatever the cause, this information's absence prevents the public from fully understanding who has funded key office-holders in several North Carolina counties. Democracy North Carolina urges the State Board of Elections to promptly review its files for any missing reports, contact the candidate committees as needed to access missing reports, make them available to the public, and assign any penalties as appropriate.

Sincerely,


Sunny Frothingham
Senior Researcher


Tomas Lopez
Executive Director

⁸ North Carolina State Board of Elections. *Bizzell for Sheriff*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult/?SID=JOH-XQ1P7M-C-001&OGID=39046>

⁹ North Carolina State Board of Elections. *Tracy Carter for Sheriff*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult/?SID=LEE-PO0P9U-C-001&OGID=39306>

¹⁰ North Carolina State Board of Elections. *Committee to Re-Elect Sheriff Hans Miller*. Retrieved Aug 8, 2019 from <https://cf.ncsbe.gov/CFOrgLkup/DocumentGeneralResult/?SID=ONS-D4M525-C-001&OGID=37444>